

### Amendments to the Claims

This listing of claims replaces all previous versions and listings of claims in this application.

1. (currently amended) A multi-layered thermoformed container comprising first, second, and third layers thermoformed into a rigid, dimensionally stable article, wherein the first, second, and third layers comprise:

a first polymeric layer comprising an alkylene terephthalate or naphthalate polymer;

a second intermediate layer comprising a grafted or backbone co-polymer or ter-polymer of ethylene, a glycidyl acrylate, and optionally an acrylate selected from the group consisting of methacrylate, ethylacrylate, propylacrylate, butylacrylate, ethylhexylacrylate, and mixtures thereof; and

a third polymeric layer comprising high density polyethylene, low density polyethylene, linear low density polyethylene, or a blend thereof;

wherein the first layer comprises a blend of (i) virgin polymer and (ii) reprocessed polymeric materials from the first, second, and third layers.

2. (original) The container of claim 1 wherein said first polymeric layer is selected from the group consisting of PET, PEN, PETG, PCT, PCTA, PBT, PTT, and mixtures thereof.

3. (original) The container of claim 1 wherein said first polymeric layer comprises one or more optionally branched homo-polymers, co-polymers, reprocessed polymers, recycled polymers, or a mixture thereof.

4. (original) The container of claim 1 wherein said second intermediate layer is selected from the group consisting of ethylene/glycidyl methacrylate co-polymer, ethylene/glycidyl methacrylate/methacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylacrylate ter-polymer, ethylene/glycidyl methacrylate/butylacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylhexylacrylate ter-polymer, and mixtures thereof.

5. (original) The container of claim 4 wherein said second intermediate layer comprises a grafted co-polymer or ter-polymer.

6. (original) The container of claim 4 wherein said second intermediate layer comprises a blend of (i) said co-polymer or ter-polymer and (ii) a co-polymer of ethylene and a C<sub>1</sub>-C<sub>12</sub> acrylate.

7. (original) The container of claim 1 wherein said second intermediate layer comprises a co-polymer or ter-polymer having from 0 to about 40 wt% of said acrylate and from about 0.05 to about 12 wt% of said glycidyl acrylate, based on a total weight of the co-polymer or ter-polymer.

8. (original) The container of claim 7 wherein said second intermediate layer comprises a ter-polymer having from about 10 wt% to about 40 wt% of said acrylate.

9. (original) The container of claim 7 wherein said co-polymer or ter-polymer has from about 0.1 wt% to about 10 wt% of said glycidyl acrylate.

10. (original) The container of claim 1 wherein said third polymeric layer consists essentially of high density polyethylene.

11. (previously presented) The container of claim 1 wherein the container has a bottom portion and a flange portion; wherein the level of thermal crystallinity in the bottom portion is greater than the level of thermal crystallinity in the flange portion; and wherein at least a portion of the container has a degree of thermal crystallinity of at least about 15%.

12. (original) The container of claim 1 wherein said alkylene terephthalate or naphthalate polymer has a degree of crystallinity of less than about 15%.

13-21 (canceled)

22. (previously presented) The multi-layered thermoformed container of claim 1 wherein:

said first polymeric layer has an average thickness of from about 5 to about 35 mils;

wherein said second intermediate layer has an average thickness of from about 0.1 to about 2 mils;

wherein said third polymeric layer has an average thickness of from about 1 to about 5 mils; and

wherein said container has an area stretch ratio of from about 1.5:1 to about 3:1.

23. (original) The container of claim 22 wherein said second intermediate layer is selected from the group consisting of ethylene/glycidyl methacrylate co-polymer, ethylene/glycidyl

methacrylate/methacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylacrylate ter-polymer, ethylene/glycidyl methacrylate/ butylacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylhexylacrylate ter-polymer, and mixtures thereof.

24. (original) The container of claim 22 wherein said first polymeric layer comprises one or more optionally branched homo-polymers, co-polymers, reprocessed polymers, recycled polymers, or a mixture thereof.

25. (original) The container of claim 24 wherein said first polymeric layer consists essentially of a polyethylene terephthalate co-polymer.

26. (original) The container of claim 22 wherein said third polymeric layer consists essentially of high density polyethylene.

27. (original) The container of claim 22 wherein said first polymeric layer has an average thickness of from about 10 to about 20 mils.

28. (original) The container of claim 22 wherein said second intermediate layer has an average thickness of from about 0.2 to about 1.5 mils.

29. (original) The container of claim 22 wherein said third polymeric layer has an average thickness of from about 2 to about 4 mils.

30-37 (canceled)

38. (previously presented) The multi-layered thermoformed container of claim 79 wherein:

said first polymeric layer has an average thickness of from about 12 to about 18 mils;

wherein said second intermediate layer has an average thickness of from about 0.1 to about 1.5 mils; and

wherein said third polymeric layer has an average thickness of from about 2 to about 4 mils.

39. (currently amended) A multi-layered thermoformed food container comprising first, second, and third layers heat-set into a rigid, dimensionally stable article having a bottom portion and a flange portion, wherein the first, second, and third layers comprise:

a first polymeric layer comprising an alkylene terephthalate or naphthalate polymer;

a second intermediate layer comprising a grafted or backbone co-polymer or ter-polymer of ethylene, a glycidyl acrylate, and optionally an acrylate selected from the group consisting of methacrylate, ethylacrylate, propylacrylate, butylacrylate, ethylhexylacrylate, and mixtures thereof; and

a third polymeric layer comprising high density polyethylene, low density polyethylene, linear low density polyethylene, or a blend thereof;

wherein the first layer comprises a blend of (i) virgin polymer and (ii) reprocessed polymeric materials from the first, second, and third layers.

40. (original) The food container of claim 39 wherein said first polymeric layer is selected from the group consisting of PET, PEN, PETG, PCT, PCTA, PBT, PTT, and mixtures thereof.

41. (original) The food container of claim 39 wherein said first polymeric layer comprises one or more optionally branched homo-polymers, co-polymers, reprocessed polymers, recycled polymers, or a mixture thereof.

42. (original) The food container of claim 39 wherein said second intermediate layer is selected from the group consisting of ethylene/glycidyl methacrylate co-polymer, ethylene/glycidyl methacrylate/methacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylacrylate ter-polymer, ethylene/glycidyl methacrylate/ butylacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylhexylacrylate ter-polymer, and mixtures thereof.

43. (original) The food container of claim 42 wherein said second intermediate layer comprises a grafted co-polymer or ter-polymer.

44. (original) The food container of claim 42 wherein said second intermediate layer comprises a blend of (i) said co-polymer or ter-polymer and (ii) a co-polymer of ethylene and an acrylate.

45. (original) The food container of claim 39 wherein said first polymeric layer is visibly distorted when the container is filled with food and is exposed to microwave radiation.

46. (original) The food container of claim 39, wherein said first polymeric layer is heat set and wherein said container is suitable for cooking in a microwave oven.

47. (original) The food container of claim 39, wherein said container contains foodstuff and is sealed with highly elastic polyethylene-based lidding stock using modified atmosphere packaging.

48-77 (canceled)

78. (currently amended) A multi-layered thermoformed microwavable food tray comprising first, second, and third layers heat-set into a rigid, dimensionally stable article having a bottom portion and a flange portion, wherein the first, second, and third layers comprise:

a first polymeric layer comprising a polyethylene terephthalate or naphthalate polymer;

a second intermediate layer selected from the group consisting of ethylene/glycidyl methacrylate co-polymer, ethylene/maleic anhydride co-polymer, ethylene/glycidyl methacrylate/methacrylate ter-polymer, ethylene/glycidyl methacrylate/ethylacrylate ter-polymer, ethylene/glycidyl methacrylate/butyl-acrylate ter-polymer, ethylene/glycidyl methacrylate/ethylhexylacrylate ter-polymer, ethylene/maleic anhydride/methacrylate ter-polymer, ethylene/maleic anhydride/ethylacrylate ter-polymer, ethylene/maleic anhydride/butylacrylate ter-polymer, ethylene/maleic anhydride/ethylhexylacrylate ter-polymer, and mixtures thereof; and

a third polymeric layer comprising high density polyethylene, low density polyethylene, linear low density polyethylene, or a blend thereof;

wherein the first layer comprises a blend of (i) virgin polymer and (ii) reprocessed polymeric materials from the first, second, and third layers.

79. (previously amended) The multi-layered thermoformed microwavable food tray of claim 78 wherein:

said first polymeric layer has an average thickness of from about 5 to about 35 mils;

wherein said second intermediate layer has an average thickness of from about 0.1 to about 2 mils;

wherein said third polymeric layer has an average thickness of from about 1 to about 5 mils; and

wherein said container has an area stretch ratio of from about 1.5:1 to about 3:1.